

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TINA BROWN-EL ,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:13CV08-HEH
)	
JEFFREY L. NEWTON,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Denying 28 U.S.C § 2254 Petition Without Prejudice)

Petitioner, a former Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Order entered on July 1, 2013, the Court directed Petitioner, within eleven (11) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition as required by Eastern District of Virginia Local Civil Rule 83.4(A). The Court warned Petitioner that the failure to comply with the terms of the July 1, 2013 Memorandum Order would result in the dismissal of the action. More than eleven (11) days have elapsed and Petitioner has not completed and returned the § 2254 form. Accordingly, the action will be dismissed without prejudice.


An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability (“COA”). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when

“reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). No law or evidence suggests that Petitioner is entitled to further consideration in this matter. A COA will therefore be denied.

An appropriate Order shall accompany this Memorandum Opinion.

It is so ORDERED.

Date: Sept 3 2012
Richmond, Virginia

 /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE